

UNITED STATES DISTRICT COURT  
FOR THE  
DISTRICT OF VERMONT

THE ESTATE OF GREGORY DAVIS, )  
Melissa Davis, Administrator and )  
MELISSA DAVIS, individually, )  
Plaintiffs, )

v. )

Civil Case No. 5:22-cv-0123-gwc

SERHAT DANIEL GUMRUKCU, )  
Defendant. )

**PLAINTIFFS' OPPOSITION TO  
THE DEFENDANT'S MOTION FOR EXTENSION  
AND  
PLAINTIFFS' MOTION TO ENFORCE WRIT OF ATTACHMENT**

**1. Introduction**

The plaintiffs do not object to more time for Mr. Gumrukcu to answer the complaint, but thirty days, not six months, is an appropriate extension.

Mr. Gumrukcu's failure to deliver Enochian Biosciences stock to the Court as he was ordered to do fifteen weeks ago<sup>1</sup> has prevented the plaintiffs from perfecting the pre-judgment writ of attachment and endangers their priority lien position.

**2. Opposition to Mr. Gumrukcu's Motion**

The plaintiffs filed suit on June 21, 2022. The Court extended the date for Mr. Gumrukcu to answer the complaint to October 25, 2022. Mr. Gumrukcu has now moved for a six-month extension. If granted, Mr. Gumrukcu's answer would be due on April 25, 2022, ten months after the complaint was filed.

The plaintiffs do not object to the Court granting Mr. Gumrukcu thirty more days to

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<sup>1</sup> Doc. 13 (text order). July 12, 2022 Order granting Petition for Ex Parte Prejudgment Writ of Attachment.

answer the complaint. Thirty days is reasonable and appropriate. Six months is not.

**3. Motion to Enforce the Pre-Judgment Writ of Attachment**

On July 7, 2022, this Court issued an order of approval and pre-judgment writ of attachment.<sup>2</sup> Among other things, the Court ordered Mr. Gumrukcu to deliver all of his Enochian Biosciences stock to the Court. On July 27, 2022, federal marshals served Mr. Gumrukcu with the order of approval, writ of attachment and accompanying documents.<sup>3</sup> In the fifteen weeks since he was served, Mr. Gumrukcu has not delivered his stock to the Court.

Under Fed. R. Civ. P. 64, this Court may seize property pursuant to Vermont law. 9A V. S. A. § 8-112(a) authorizes the pre-judgment attachment of securities and requires the officer making the attachment to seize the security certificates.

No seizure has occurred because Mr. Gumrukcu has not delivered his Enochian Biosciences stock to the Court. Mr. Gumrukcu's failure to deliver his stock to the Court has prevented the plaintiffs from perfecting the attachment.

Mr. Gumrukcu is awaiting trial on the charges of murder for hire (18 U. S. C. § 1958) and kidnaping with death resulting (18 U. S. C. 1201), arising from the homicide of Gregory Davis on January 6, 2018. Mr. Gumrukcu owns 12,273,059 shares of common stock in Enochian Biosciences. On May 18, 2022, the day before he was indicted, he sold 253,493 shares at \$8.00 per share, garnering sale proceeds of more than \$2 million.<sup>4</sup> Unless Mr. Gumrukcu delivers his stock to the Court, Mrs. Davis and the Estate of Mr. Davis will have

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<sup>2</sup> Doc. 11, July 7, 2022 Order of Approval of Writ of Attachment; Doc. 12, July 7, 2022 Writ of Attachment.

<sup>3</sup> Doc. 16, July 27, 2022 Process Receipt and Return.

<sup>4</sup> *Exhibit 1*, May 20, 2022 Securities and Exchange Commission Form 4.

no assurances that (1) Mr. Gumrukcu will hold his stock and not sell or transfer it or that (2) the stock will be available for execution in the event of a judgment for the plaintiffs.

Moreover, Mr. Gumrukcu has been sued since the Court issued the pre-judgment writ of attachment.<sup>5</sup> Unless Mr. Gumrukcu delivers his stock to the Court, the plaintiffs will have no assurance of their lien priority over Mr. Gumrukcu's other creditors.

Fifteen weeks ago, Mr. Gumrukcu received this Court's order to deliver his Enochian Biosciences stock to the Court. So far, he has avoided the order. The Court should grant him seven calendar days to comply with the order or Mr. Gumrukcu should be held in contempt.

WHEREFORE, the Court should:

1. deny Mr. Gumrukcu's motion for a six-month extension of time to answer the complaint;
2. Grant Mr. Gumrukcu an additional thirty days to answer the complaint;
3. Order Mr. Gumrukcu to deliver all of his Enochian Biosciences stock to the Court within seven calendar days; and
4. If Mr. Gumrukcu fails to comply, hold him in contempt.

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<sup>5</sup> On October 21, 2022, Enochian Biosciences sued Mr. Gumrukcu and his husband, W. Anderson Wittekind, and their business organizations for breach of contract, intentional misrepresentation, fraudulent concealment, fraudulent nondisclosure, civil conspiracy and other claims, in the Superior Court of California in Los Angeles. The case no. is 22ST CV 34071. A search on Google also reveals multiple press releases regarding class action law firms' investigations of Mr. Gumrukcu, Enochian Biosciences and its executives and requests for applications to become lead plaintiffs. Presumably, at least one, if not more of these investigations and requests for lead plaintiffs, will lead to a class action lawsuit.

Dated: November 8, 2022.

THE ESTATE OF GREGORY DAVIS,  
Melissa Davis, Administrator, and  
MELISSA DAVIS, Individually

By: /s/ Paul J. Perkins

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